

THE LICENSING PROCESS FREQUENTLY ASKED QUESTIONS

What happens after my proposal has been approved by the Single Point of Entry?

You will be sent a letter from the Governor's Office for Children, Youth and Families assigning you to a licensing agency. Your assignment letter will provide you with the contact information for getting a license application.

What are the requirements for the license application?

COMAR 14.31.06, the regulations that govern residential child care programs, require potential providers to "submit a completed application within 6 months of receipt of the application package from the licensing agency." If your application process is terminated because it was not completed within the required time, you will have to return to the Single Point of Entry.

What are the laws, regulations and inspections that I should be aware of to operate a facility?

- ❑ **COMAR 14.31.05, 14.31.06, and 14.31.07** are the regulations for all residential child care programs licensed by the Department of Human Resources and the Department of Juvenile Services, and one of the regulations required for licensure with the Developmental Disabilities Administration. The Developmental Disabilities Administration also uses **COMAR 10.22.01, 10.22.02, 10.22.03, 10.22.04, 10.22.05, 10.22.06, and 10.22.12.**
- ❑ Your facility must be inspected by the **Fire Marshall**. In some jurisdictions this inspection is not performed locally. You should ask your licensing agency what the procedure is for the jurisdiction in which your program is located.
- ❑ Your facility must be inspected by a **public health authority**. You should ask your licensing agency what the procedure is for the jurisdiction in which your program is located.
- ❑ **The Maryland Emergency Management Association (MEMA)** requires each residential child care facility to create procedures that would be enacted in case of a man-made or natural emergency. All employees of the residential child care program must be familiar with the facility's emergency plan.

Each residential child care program must take precautions to protect its employees from contact with **blood-borne pathogens**. Blood-borne pathogens are germs that can be transmitted through blood and other bodily

fluids. Blood-borne pathogen requirements can be found in 29 CFR (Code of Federal Regulation) 1910.1030. The Maryland Occupational Safety and Health Administration (MOSH) publishes a detailed booklet on how to deal with federal and state blood-borne pathogen related requirements. The National Safety Council, the American Red Cross, Local Fire Departments and Speakers Bureaus of some local hospitals can provide qualified instructions for training.

- ❑ The **Federal American with Disabilities Act of 1990** requires compliance in three areas: employment, programming and the physical structure of your facility. Title II and Title III of this act require that services to people with disabilities be provided in the most integrated and least restrictive setting appropriate to the needs of the individual.
- ❑ The **Federal Fair Housing Amendments Act Of 1988** (42 U.S.C.3601) expands and strengthens Title VIII of the Civil Rights Act of 1968 to prohibit discriminatory housing practices based on disability and familial status. This Act generally applies to dwellings intended as a residence. It defines an individual with disabilities as “Any person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such an impairment.”
- ❑ **Montgomery County** requires additional licensure from the county government for a home with more than two residents. You must first have your State licensure. You should obtain County requirements before you obtain your facility as some of its requirements are more stringent than the State’s:

**Health and Human Services of Montgomery County
Licensure and Regulatory Services
401 Hungerford Drive
First Floor
Rockville, MD 20850
Main Number: 240-777-3986**

How long does the licensing process take?

COMAR 01.04.06, states that “within 60 days after receipt of a complete application” the licensing agency shall evaluate the application, inspect the proposed physical plant and propose to issue or deny the license.

Many licensing applications are submitted in parts to the licensing agency for review. Generally your licensing contact will have questions, and parts of your policies and procedures will require rewriting. Your application, therefore, is not complete until all parts are in and approved by your licensing contact.

What are the requirements for program staff training?

COMAR 14.31.06.05.F requires that direct child care staff receive 40 hours of training during each full year of employment. At this time, training is not required for other agency employees.

What are the required ratios between staff and youth in licensed programs?

The COMAR regulations are silent on a required ratio of staff to residents, except for Therapeutic Group Homes which require a client to staff ration of 3 to 1. COMAR 14.31.06.05 states that the licensee “shall maintain adequate staff coverage at all times based on the time of day, the size, and nature of the program and layout of the physical plant.”

What are the requirements for staff in licensed programs?

COMAR 14.31.06.06 requires employment of:

- ☐ A Program Administrator who has at least a Bachelor’s degree and at least
- ☐ 4 years experience in the human services field
- ☐ Direct care staff who are at least 21 years old and have a high school diploma
- ☐ or its equivalent
- ☐ Human Service professionals (i.e. social workers, psychologists, counselors,
- ☐ nurses, etc.) appropriate to the needs of the child and the nature of the program
- ☐ Any other professional services required for the implementation of individual
- ☐ service plans.

Will my program be monitored after it is licensed, and will I receive feedback?

Yes, there could be several agencies who monitor your program.

The licensing agency will monitor your program for compliance with licensure.

- ☐ Any entity who contracts with your program may monitor for compliance to contract and to assure that services being paid for are being delivered.
- ☐ You must have an independent fiscal audit completed on your program yearly.
- ☐ Placement workers will be monitoring the progress of the youth they have placed.
- ☐ Facilities, programs and records must be accessible to State monitors upon request.

Anyone who monitors your program should give you feedback on any problems or issues they may have.

What are the sanctions and other disciplinary actions the Licensing Agency may take against a licensed program?

COMAR 14.31.05 describes sanctions, suspensions, and revocation of a license for a residential child care program. The first step in disciplinary action is usually a sanction which may be imposed for up to 60 days. At least 20 days before imposition of a sanction, the licensing agency gives the licensee notice of its intention to impose the sanction, cites the violated regulations, a description of the sanction, and requests a corrective action plan. A suspension means that no new referrals may be taken by the agency. The suspension is usually imposed after a sanction and the agency fails to comply with a corrective action plan. The suspensions may last no longer than 60 days. After 60 days, either the agency has complied with the corrective action plan or the license is revoked. All disciplinary actions are subject to hearings under the contested case provisions of the Maryland Administrative Procedure Act.

If there are changes in my program, whom must I notify?

You must keep your licensing agency informed of any changes in your program such as change of the Program Administrator or changes in the physical plant.

If I decide to start a new facility, what do I do?

Initially you should discuss this with your licensing specialist.

- ❑ If the facility is a new program, you must return to the Single Point of Entry in the Governor's Office for Children, Youth and Families and submit a new proposal.
- ❑ If the facility will be an exact duplicate of your existing program, you must contact the Single Point of Entry to receive an Expansion Request Form.

CONTRACTING FREQUENTLY ASKED QUESTIONS

What happens after I obtain my license and a rate is set for my services?

In order to serve youth in your program you must have a contract with the appropriate entity. Contracts are awarded by State agencies and Local Management Boards.

From whom may I obtain a contract?

Although a facility may only have one license, it may have contracts from multiple entities. Contracting entities are:

- ☐ The Department of Juvenile Services
- ☐ The Department of Human Resources/ Social Services Administration
- ☐ The Local Management Board (LMB)

Does a contract guarantee me placement of children and youth?

Contracts simply allow placements to occur up to the contract limit. A contract with a state agency or the LMB does not guarantee you placements.

If contracts do not guarantee placements, how do I get paid?

Payment is made only when a youth is placed in your program. At the time of contracting, you should find out how that agency handles payments and what the agency process is for payment for youth placement.

How do I obtain a contract?

Marketing, Marketing, Marketing!

You must contact any entity with whom you wish to have a contract.

- ☐ Remember that only the licensing agency is familiar with your program.
- ☐ You must “sell” your program to obtain a contract.
- ☐ You are a new program. You will need to establish a track record and should not expect all of your beds to filled initially.
- ☐ No one is obligated to contract with you.

TIPS FOR WRITING PROPOSALS AND POLICIES AND PROCEDURES

Be clear, concise and logical.

Make it reader friendly. If you refer to something in another section, briefly summarize it in addition to referring to the page or section where it is located.

Leave plenty of time to write the proposal or policies and procedures.

Pay attention to guidelines and follow any given format.

Have 2 to 3 other people read it.

Be sure to use:

- ❑ 12-point sized font
- ❑ Short sentences
- ❑ Short paragraphs
- ❑ Headings and subheadings
- ❑ Forceful verbs
- ❑ Active, not passive voice
- ❑ Sentences that do not contain jargon or contractions
- ❑ Few acronyms (always explain)
- ❑ Minimal adjectives and adverbs

TIPS FOR COMMUNITY INTEGRATION

Successful integration into the community may be dependent on many factors that can be helped by the way your agency conducts business. Key among those factors is how you select sites, how you select staff and how well your staff is trained to be good neighbors in addition to handling the needs of the children you serve.

Site Selection

Residential sites must be appropriate to the type of children being served. It would not be appropriate to serve a child with loud or aggressive behaviors in a neighborhood where the homes are close together such as a townhouse, apartment or condominium where others could easily be disturbed.

Parking can be an issue in many areas and can cause contention with neighbors. If staff will work in shifts make sure your site has enough parking to accommodate all staff particularly at change of shifts. Also, remember that wheelchair vans need a large parking area and neighbors may not like it if it is parked in front of their house.

If your staff is dependent on public transportation, is the site accessible to that transportation?

Is the site proximal to shopping, a place of worship, schools, the children's families and medical facilities?

Is the site close enough to the agency's office to provide necessary supports to the staff?

Are the children being served from the area? Neighbors are much more likely to accept the home if the children are from the county or city in which the site is located.

Being A Good Neighbor

Staff and where possible, children, should be taught to be good neighbors. Being a good neighbor can be very different things in each and every neighborhood. It is your program's responsibility to determine what would be considered normal in that neighborhood and attempt to make your site conform. Introducing yourself to your neighbors, having an open house so your neighbors can meet you as well as the residents and staff, giving neighbors information about your program, and providing information so that they can voice concerns when they feel the need to do so, are all excellent ways to build a relationship with your neighbors and community.

Community Participation

Community integration can be improved by making every effort to become an active participant in the community. The following can help your program in this integration and acceptance:

- ❑ make purchases from local businesses such as grocery stores, gas stations, and business supply stores
- ❑ if appropriate, encourage the youth to attend local churches of their denomination
- ❑ attend the movie theaters, swimming clubs, recreation facilities, and youth groups within the local community
- ❑ enroll the youth in the schools within the community, when appropriate, and participate in extra-curricular activities.

Good Neighbor Rules That Work In Every Neighborhood

- ❑ Make sure the grass is mowed and trimmed regularly.
- ❑ Rake the leaves in the autumn.
- ❑ Trim hedges and shrubbery.
- ❑ Keep fences, sheds, and other exterior areas of the house and grounds in good repair.
- ❑ Beeping your horn especially late at night and early in the morning when picking up staff or residents is not a good idea. Neighbors may be trying to sleep.
- ❑ Bring in the garbage cans in a timely manner.
- ❑ Take down holiday decorations in a reasonable period of time.
- ❑ Keep the volume of the television and radio at an appropriate level.
- ❑ Make sure the children you serve are supervised in accordance with their skill level and behaviors when in the yard or out in the neighborhood.
- ❑ Shovel sidewalks and driveways after a snowstorm.
- ❑ Outdoor smoking areas should be located so as not to be an imposition on the neighbors.
- ❑ Hang only drying laundry on a clothes line.
- ❑ Make sure the children are dressed appropriately for the season and their activities.

COMMUNITY CONCERNS FREQUENTLY ASKED QUESTIONS

The following are concerns common among communities where group homes are located. It might be helpful to prepare an information piece for members of the community that addresses these concerns.

Concerning the Provider Organization

- ☐ Describe your organization. Are you for-profit or not-for-profit?
- ☐ Who is on your Board of Directors? Can the community have representation on the Board?
- ☐ How many years has your organization provided community living services?
- ☐ How many other facilities do you operate? Where are they located and how many people are served?
- ☐ What is your source of funding? What is your annual budget?
- ☐ What criteria do you use in selecting a home and location?
- ☐ What type of policies and/or practices does your organization have concerning contact with neighbors and community associations?
- ☐ This is a residential community, what right do you have bringing a business into it?

Concerning Organization Staffing

- ☐ What is your organizational chain of command and structure? How can community residents reach someone during and after normal working hours?
- ☐ What type of staffing pattern do you have? What is the ratio of staff to youth?
- ☐ What criteria do you use to hire staff?
- ☐ What can we do if we feel staff is not properly supervising your youth?
- ☐ What can we do if we see inappropriate behavior in a staff member?
- ☐ What type of training does your staff receive?

Concerning This House

- ☐ Are you leasing or purchasing the home?
- ☐ What can't you locate some place else?
- ☐ What physical changes do you plan to make to the home?
- ☐ What are you going to do about parking for staff and visitors? Will they take up all our parking spaces?
- ☐ Who is responsible for maintenance of the home? Who can we contact if needed maintenance, such as lawn care, trash removal, and general upkeep is not done?

Resident – Specific Information

Specific information on individual youth may not be given out because of the confidential nature of the information. Try and determine why the question is being asked and respond to the concern.

- ☐ How many residents will there be?
- ☐ How do you determine who will be accepted into your program?
- ☐ What types of problems will youth in your program have?
- ☐ How will the residents spend their days and nights?
- ☐ What type of supervision will there be?
- ☐ How long will youth stay in your program?
- ☐ Where will youth in your program come from?
 - Other jurisdictions
 - All over the state
 - Out-of-state
- ☐ I know neighborhoods who have to put up with a lot of troubles from residents in group homes. How do I know your program will be different?
- ☐ Will any of the youth you serve have histories of aggression? How will you handle aggression if it occurs?
- ☐ How old will the youth in your program be?
- ☐ Will any of the youth in your program have drug or alcohol problems?

Other Issues

- ☐ How will you safeguard the community and program youth in our community?
- ☐ How will we know our children will be safe?
- ☐ What do we do if your youth are causing problems in our neighborhood?